

EXHIBIT A

Excerpt from July 11, 2023 Hearing

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO ENTERO, .
ET AL, .
PLAINTIFFS, .
vs. . DOCKET NO. 5:21-CV-844-XR
GREGORY W. ABBOTT, ET AL, .
DEFENDANTS. .

TRANSCRIPT OF MOTION TO COMPEL PROCEEDINGS
BEFORE THE HONORABLE XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE
JULY 11, 2023

APPEARANCES:
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REPORTED BY:

GIGI SIMCOX, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
SAN ANTONIO, TEXAS

1 yesterday for the limited purpose of informing the Court that
2 this issue was occurring, that we were engaging in the meet
3 and confer process, and because we recognize there might be
4 some substantive overlap with the motion before you today and
5 we didn't want to have to come back, you know, unnecessarily
6 or retread ground, but we're not a party to the LUPE
7 plaintiffs' motion to compel and we see these issues as, you
8 know, as I said, there are some substantive overlap but
9 distinct.

10 THE COURT: Thank you.

11 So for the State. Now, so what I'm thinking about
12 doing is giving you until Friday, close of business this
13 Friday, the 14th, to file new affidavits, if you so desire, to
14 specify with greater detail why you may properly invoke
15 investigative attorney-client privilege or deliberative
16 privileges to these 150 documents in dispute, and, to be
17 generous, because I've been accused otherwise, of letting you
18 assert work product, if that's what you meant and
19 inadvertently left out.

20 So you have until -- and this is just thoughts right
21 now. This isn't the order yet. You-all doing this by close
22 of business this Friday. Perhaps that will bring down the 150
23 documents even further, because upon re-evaluation maybe the
24 State will concede that some of these documents were not --
25 are not reflective of ongoing criminal investigations.

1 Perhaps upon further review you'll also decide
2 whether or not some underlying factual information, instead of
3 a whole redaction, maybe can be a partial redaction.

4 What's wrong with that idea, and what else do you
5 want to tell me?

6 MR. KERCHER: I think that idea makes sense from our
7 perspective, Your Honor. I do think that, and I appreciate
8 plaintiffs having been willing to work with us on this, I
9 think we've whittled this down from what was a whole lot more
10 to a whole lot fewer.

11 On that, there is a question in my mind that talked
12 about 150 documents. I don't know because the way that they
13 have broken them out in their exhibits they don't show which
14 documents have two exhibits, have two, so it could be fewer
15 than that.

16 THE COURT: Yeah. It is very muddy for me.

17 I, frankly, I think after close of business -- well,
18 so Friday you do whatever you're going to do by close of
19 business Friday, and then perhaps that following Monday close
20 of business you-all tell me what's left for me to rule on and
21 which exhibits specifically I need to review further in camera
22 to make a decision based upon any new affidavits that may be
23 filed.

24 If the Secretary of State and the Attorney General
25 take the position we're going to rely on our existing

1 MISS PAIKOWSKY: Nothing, Your Honor. Thanks very
2 much.

3 THE COURT: With that, we're adjourned.

4 Thank you.

5 *(Concludes proceedings)*

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7 I certify that the foregoing is a correct transcript from
8 the record of proceedings in the above-entitled matter. I
9 further certify that the transcript fees and format comply
10 with those prescribed by the Court and the Judicial Conference
11 of the United States.

12
13 Date: 07/13/23

/s/ *Gigi Simcox*
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